

SPECIAL COUNCIL MEETING
FRIDAY, JUNE 10, 2016
COUNCIL CHAMBERS
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Special session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

Meeting called to order
NB: Meeting being recorded

Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale

Motion made by Lewis seconded by Iafallo, move to executive meeting @ 5:00 PM
Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale **Carried 5-0**

Meeting reconvened @ 5:05 PM

Roll Call: Council: Present: Lewis, Noman, Iafallo, Jerge, DePasquale

Property Tax Excess Local Law

1. To: City Council

Please put the above-referred Local Law on the agenda for council approval.

ANTONIO SAVAGLIO-CITY ATTORNEY

LOCAL LAW # 1, 2016

**A LOCAL LAW AUTHORIZING A PROPERTY TAX IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Lackawanna to adopt a budget for the fiscal year commencing August 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” defined by General Municipal Law §3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorized a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Lackawanna, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing August 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Moved by Lewis seconded by Jerge to adopt Local Law as written

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Carried 4-1

Homestead/Non Homestead Tax Shift

2. To: City Council

As City of Lackawanna is in the preliminary stages of discussion to once again shift a percentage of tax from non-homestead to homestead, the Board of Education of the Lackawanna City School District respectfully requests that we not be included for your plans to shift the tax burden to our home owners.

LEONARD F KOWALSKI-BOARD PRESIDENT

Moved by Lewis seconded by DePasquale receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Adjusted Base Proportions

3. To: City Council

Pursuant to Article 19 of the New York State Real Property Tax Law and New York State Office of Real Property Service Rules, NYCRR-186-10, the legislative body of the City of Lackawanna must establish current and adjusted base proportions.

Attached are forms EA6701 and EA6703 with computations of the Current Base Proportions and Adjusted Base Proportions for the City of Lackawanna and Lackawanna School District portions of the 2016-2017 assessment roll. Please direct the City Clerk to certify these forms with the 20% Shift and forward them to the New York State Office of Real Property Services.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Lewis seconded by Jerge receive and file

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Carried 5-0

Ordinances:

Operating Budget 2016-2017

AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CIT OF LACKAWANNA FOR THE FISCAL YEAR 2015-2016

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10th day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2016 through July 31, 2017, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2. That the sum of \$10,427,941.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2016-2017 fiscal year, apportioned in the amount of \$5,577,280.00 for properties qualifying as homestead properties and \$4,850,661.00 for non-homestead properties, in accordance with the detailed statement of revenues and expenses as estimated and adopted by the City Council, be and the same is hereby levied upon all real and personal property subject to taxation upon the assessment roll of the City of Lackawanna for the 2016-2017 fiscal year.

SECTION 3. That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to her and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified as assessed against the persons or property therein mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4. That the following schedule be and the same is hereby adopted as the Current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2016 through July 31, 2017 along with the revenues and taxation estimated and levied herein, and that same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of several boards, departments and offices for the purpose enumerated therein, to wit:

Homestead Tax Rate:	\$16.46 of assessed valuation
Non-Homestead Tax:	\$34.67 of assessed valuation

SECTION 5. That the City Clerk be and she hereby is directed to forward a copy

of this Ordinance to the City Treasurer, Director of Administration and Finances, City Comptroller and the City Attorney's Office.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Carried 4-1

Resolutions:

(1) A resolution establishing the Homestead/Non-Homestead tax shift for the City of Lackawanna

RESOLUTION #16, 2016

WHEREAS,

The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law #3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NOW THEREFORE, BE IT

RESOLVED,

that for the City of Lackawanna tax levies for fiscal year 2016-2017, it is hereby established:

That the Council hereby adopts a 20% shift of its adjusted base Proportions resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
20%	53.48400	46.51600

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by DePasquale to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Carried 4-1

(2) A resolution establishing the Homestead/Non-Homestead tax shift for the Lackawanna School District

RESOLUTION #17, 2016

WHEREAS,

The City of Lackawanna may adopt locally adjusted base proportions pursuant to Local Law #3, 1993 and Section 1903.4 of the New York State Real Property Tax Law,

NOW THEREFORE, BE IT

RESOLVED, that for the Lackawanna School District tax levies for fiscal year 2016-2017, it is hereby established:

That the Council hereby adopts a 20% shift of its adjusted base Proportions resulting in the following *locally adjusted base proportions*:

<u>Shift</u>	<u>Homestead</u>	<u>Non-Homestead</u>
20%	53.14964	46.85036

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by DePasquale to adopt resolution as written

Yeas: Noman, Iafallo, Jerge, DePasquale

Nays: Lewis

Carried 4-1

Adjournment:

Moved by Lewis seconded by DePasquale, meeting is adjourned

Yeas: Lewis, Noman, Iafallo, Jerge, DePasquale

Keith E. Lewis, Council President

Jacqueline A Caferro, City Clerk